

**REMARKS**

The Applicants would like to thank the Examiner for catching mistakes in the way the Applicants numbered the claims in the Response to Office Action that was filed on July 18, 2005. Prior to the Response to Office Action that was filed on July 18, 2005 claims 1-59 had been cancelled and only claims 60-86 were pending. In the Response to Office Action that was filed on July 18, 2005, Applicants mistakenly cancelled claims 1-99 and added new claims 90-105. Claims 87-89 have never been presented in this application. In order to avoid further confusion in claim numbering, Applicants have cancelled all claims pending in the present application and have added new claims 106-121. The Applicants respectfully request reconsideration of this application in view of the above amendments and the following remarks.

**Rejection Under 35 U.S.C. § 112**

The Examiner rejects claims 90-94 under 35 U.S.C. § 112, first paragraph. Applicants have amended claim 90 to overcome the rejection, and respectfully request that the rejection be withdrawn.

**35 U.S.C. §103(a) Rejection – Sehr and Sezan**

The Examiner has rejected claims 90-105 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,386,451 issued to Sehr (hereinafter "Sehr") in view of U.S. Patent No. 6,236,395 issued to Sezan et al. (hereinafter "Sezan"). These claims have been cancelled. Without admitting the appropriateness of combining Sehr and Sezan, the Applicants respectfully submit that the present claims are allowable over Sehr and Sezan.

Claim 106 recites an apparatus comprising *"a smart card having an embedded microprocessor and a storage medium; user preference information for media consumption stored in the storage medium, wherein the user preference information includes at least a television preference and a web browsing preference; a template database stored in the storage medium, the template database including a plurality of user preference templates that are each compatible with a different type of electronic entertainment device, wherein each of the plurality of user preference templates is to identify user preferences for media consumption on one of the different types of electronic entertainment devices, and wherein the plurality of user preference templates includes a first user preference template that is compatible with a television and a second user preference template that is compatible with a computer having a web browser"*. Sehr and Sezan do not teach or suggest these limitations.

Sehr pertains to a travel system and method that utilizes multi-application passport cards (see e.g., the Title). The cards are used for travel related services (see e.g., column 3, line 60 through column 4, line 3), but not to store user preference information for media consumption, which is presently recited in claim 106. Furthermore, Applicants respectfully submit that Sehr does not teach or suggest user preference templates to identify user preferences for media consumption on different types of electronic entertainment devices.

Applicant has carefully reviewed and searched Sezan, and has found absolutely no mention whatsoever of a template, or a template database, let alone a template database including a plurality of user preference templates that are each compatible with a different type of electronic entertainment device. Rather, Sezan discusses the use of a single standardized user description scheme to provide information regarding a user's preferences and portability from one appliance to another. For example, as discussed "[w]hen user description scheme is standardized among different

*manufacturers or products, user preferences become portable*" (column 6, lines 8-9). As further discussed, "[i]f the structure (syntax and semantics) of the description schemes is known amongst multiple appliances, the user (user) can carry (or otherwise transfer) the information contained within his user description scheme from one appliance to another, perhaps via a smart card--where these appliances support smart card interface--in order to personalize them" (column 11, lines 8-14). Applicants respectfully submit that using a single standardized user description scheme to provide portability from one appliance to another is different than using multiple templates that are each compatible with a different type of electronic entertainment device.

For the foregoing reasons, Applicants submit that the Examiner has failed to establish a prima facie case of obviousness set forth in MPEP Section 706.02(j). Specifically, the Examiner has failed to show that "[t]he teaching or suggestion to make the claimed combination ... [is] found in the prior art, and not based on Applicant's disclosure", as required by *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

For at least one or more of these reasons, claim 106 and its dependent claims are believed to be allowable. Independent claim 111 and its dependent claims are believed to be allowable for one or more similar reasons.

### Conclusion

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance. Applicants respectfully request that the rejections be withdrawn and the claims be allowed at the earliest possible date.

### Request For Telephone Interview

The Examiner is invited to call Brent E. Vecchia at (303) 740-1980 if there remains any issue with allowance of the case.

### Request For An Extension Of Time

The Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). A check in the amount of \$120.00 is included for this charge.

### Charge Our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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